

1

Amend

7. Voting Requirements. An Owner shall be deemed to be in "good standing" and "entitled to vote" at any annual meeting or at any special meeting of the Association if, and only if, he shall have fully paid all due installments of assessments made or levied against him and his Unit by the Committee as hereinafter provided, together with all interest, costs, attorney's fees, penalties and other expenses, if any, properly chargeable to him and against his Unit, at least three (3) days prior to the date fixed for such annual or special meeting.

8. Proxies. The votes appertaining to any Unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the Unit Owner, or, in cases where the Unit Owner is more than one person, by or on behalf of all such persons. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the Unit Owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated, if it purports to be revocable without notice as aforesaid. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy, and must be filed with the Secretary not less than three (3) days before the meeting.

9. Absentee Ballots.

(a) A Member who is incapacitated, or who will be absent, on the date set for balloting may cast an absentee ballot at the place or time of balloting, or by mail, in the manner required by the Election Committee, but in no event shall the vote be cast more than fourteen (14) days prior to the voting date.

(b) Ballot boxes containing absentee votes shall be opened and the ballots tabulated at the same time and place and under the same conditions as the regular ballots.

10. Mail-in Ballots.

(a) A majority of the Board may authorize the use and implementation of mail-in ballots at any election or vote on an issue it deems appropriate, including the election of Directors.

(b) When mail-in ballots are authorized by the Board, said ballots shall be prepared and mailed to Voting Members no more than thirty (30) days prior to the date of the election or vote on an Issue. The date set for the tabulation of the ballots shall be stated on the ballot. Ballots received on or after the date set for tabulation of the ballots shall not be counted.

(c) A combination of mail-in ballots and "in person" ballots may be used. →

11. Unanimous Written Consent in Lieu of Vote. In any case in which these Bylaws or the Declaration require for authorization or approval of a transaction the assent or affirmative vote of a stated percentage of the votes of the Owners present or represented at a meeting, such requirement may be fully satisfied by obtaining, with or without a meeting, consents in writing to such transaction from every Owner entitled to cast a vote. The following additional provisions shall govern any application of this Section:

(a) All necessary consents must be obtained prior to the expiration of sixty (60) days after the first consent is given by any Member; (b) Any change in ownership of a Unit which occurs after consent has been obtained from the Member having an interest therein shall not be considered or taken into account for any purpose.

not complete

good

2

good example
Follows
code

2.12 Action By Written Ballot In Lieu of a Meeting

(a) Action By Written Ballot. At the discretion of the Board of Directors, any action, except election or removal of directors, that may be taken at any annual, regular or special meeting of the Association may be taken without a meeting if the Association delivers a written ballot to every Owner that is entitled to vote on the matter not less than twenty (20) days prior to the date on which the ballots must be received by the Association in order to be counted.

(b) Form and Effect of Ballot

(1) The written ballot must set forth each proposed action and provide an opportunity to vote for or against each proposed action.

(2) A written ballot may not be revoked.

(c) Information Required in Ballot Solicitations. All solicitations for votes by written ballot must:

(1) State the number of responses needed to meet any applicable quorum requirements and the total percentage of votes needed for approval.

(2) Specify the period during which the Association will accept written ballots for counting, which period shall end on the earliest of the following unless the vote is pursuant to the secrecy procedure described in Subsection (d) of this section:

(i) The date on which the Association has received a sufficient number of approving ballots to pass the proposal;

(ii) The date on which the Association has received a sufficient number of disapproving ballots to render the proposal impossible of passage; or

(iii) A date certain on which all ballots must be returned to be counted.

(d) Secrecy Procedure. The Board of Directors may elect to conduct a vote pursuant to this section by a secrecy procedure whereby a written ballot is accompanied by:

(1) A secrecy envelope;

(2) A return identification envelope to be signed by the owner; and

(3) Instructions for marking and returning the ballot.

(e) Determination of Vote. The outcome of a vote by written ballot in lieu of a meeting shall be determined by the Board of Directors within forty-eight (48) hours of the deadline for return

of ballots, or in the event the ballot return date is postponed, within forty-eight (48) hours of the postponed date. Matters that may be voted on by written ballot shall be deemed approved or rejected as follows:

(1) If approval of a proposed action would otherwise require a meeting at which a certain quorum must be present and at which a certain percentage of total votes cast is required to authorize the action, the proposal will be deemed to be approved when the date for return of ballots has passed, a quorum of owners has voted and the required percentage of approving votes has been received. Otherwise, the proposal shall be deemed to be rejected.

(2) If approval of a proposed action otherwise would require a meeting at which a specified percentage of owners must authorize the action, the proposal shall be deemed to be approved when the percentage of total votes cast in favor of the proposal equals or exceeds such required percentage. The proposal shall be deemed to be rejected when the number of votes cast in opposition renders approval impossible or when both the date for return of ballots has passed and such required percentage has not been met.

(3) Except as provided in Subsection (e)(4) of this section, votes may be counted from time to time before the final return date to determine whether the proposal has passed or failed by the votes already cast on the date they are entered.

(4) Written ballots that are returned in secrecy envelopes may not be examined or counted before the deadline for returning ballots has passed.

(f) Owner Notification of Ballot Results. Each Owner shall be notified within ten (10) days after the ballots have been counted, by mail or other delivery of written notice, of the results of the ballot meeting or that a quorum of ballots was not returned.

2.13 Action Without a Meeting

(a) Any action that may be taken at any annual, regular or special meeting of the Association, may be taken without a meeting and without solicitation of written ballots pursuant to Section 2.12 above, if the action is taken by all of the owners entitled to vote on the action.

(b) The action must be evidenced by one or more written consents describing the action taken, signed by all of the owners entitled to vote on the action, and delivered to the Association for inclusion in the minutes or filing with the Association records.

(c) Action taken under this section is effective when the last owner signs the consent, unless the consent specifies an earlier or later effective date. A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

3

WRITTEN CONSENT FORM

I, the undersigned owner, have read and approve of the foregoing Amendment and give my written consent as evidence of my approval.

I understand that this consent is revocable, if done in writing and received by ABC Property Management on behalf of XYZ Townhomes prior to _____.

Further, I understand that my written consent may result in an amendment to the Declaration which will be binding upon all owners of XYZ Townhomes.

DATE: _____, 20__.

Signed: _____

Print: _____

~~Home~~ ^{Your} Address: _____

Please return this form in the self addressed stamped envelope to:

XYZ TOWNHOMES
c/o ABC Property Management
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

Form must be returned prior to _____, to be counted.

U.C.A.
16-6a-709

MAIL-IN BALLOT
THE XYZ HOMEOWNERS ASSOCIATION
A Planned Unit Development

Proposed Action to be Voted Upon: To adopt two newly revised governing documents for the Association entitled: (1) Amended and Restated Declaration of Covenants, Conditions and Restrictions; and (2) Amended and Restated Bylaws. These documents are an improved set of governing documents. They are updated and consistent with current law, and they better balance the rights and obligations of the owners and the Association. These documents are included with this ballot for your review.

IMPORTANT: You are requested to cast your vote by mailing this ballot to the address below on or before June 19, 2009. Each ballot not received on or before the date specified shall not be counted. The Board shall have the discretion to extend the time to collect ballots by no more than forty-five days (45) from June 19, 2009, if such extension of time is deemed necessary.

RETURN TO: XYZ Homeowners Association
c/o ABC Management
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

30
67 31
examples only see your docs

If you have any questions, please contact a Board member.

-----**RETURN THIS BOTTOM PORTION**-----

For your information: A quorum consists of at least fifty percent (50%) of the votes entitled to be cast in person or by proxy. **However, at least seventy-five percent (75%) of the total votes in the Association** are required to adopt these amended documents. Please mark one of the boxes below to indicate whether you are "FOR" or "AGAINST" the amendment. **All ballots must be returned to The XYZ Homeowners Association, on or before June 19, 2009 (unless otherwise extended), in order to be counted.**

- _____ **FOR** adopting both the Amended and Restated Declaration and Bylaws; OR.
- _____ **AGAINST** adopting the Amended and Restated Declaration and Bylaws.

If you voted "against," please explain why:

Signature: _____ Date: _____
Name: _____ (print)
Address: _____

1072-001